

**COMMITTEE ON WATER AND SANITATION**  
(Standing Committee of Berkeley County Council)

**Chairman:** Mr. Steve C. Davis, District No. 8

A **meeting** of the **COMMITTEE ON WATER AND SANITATION**, Standing Committee of Berkeley County Council, was held on **Monday, June 14, 2004**, in the Assembly Room of the Berkeley County Office Building, 223 North Live Oak Drive, Moncks Corner, South Carolina, at 8:01 p.m.

PRESENT: Mr. Steve C. Davis, Council Member District No. 8, Chairman; Mrs. Judith K. Spooner, Council Member District No. 2; Mr. William E. Crosby, Council Member District No. 3; Mr. Charles E. Davis, Council Member District No. 4; Mrs. Judy C. Mims, Council Member District No. 6; Mr. Caldwell Pinckney, Jr., Council Member District No. 7; Mr. James H. Rozier, Jr., Supervisor, ex officio; Mr. D. Mark Stokes, County Attorney; and Ms. Barbara B. Austin, Clerk of County Council. Mr. Milton Farley, Council Member District No. 1, and Mr. Dennis L. Fish, Council Member District No. 5, were excused from this meeting.

In accordance with the Freedom of Information Act, the electronic and print media were duly notified.

*During periods of discussion and/or presentations, minutes are typically condensed and paraphrased.*

Chairman Steve Davis called the meeting to order and asked for approval of minutes from the Committee on Water and Sanitation Meetings held May 10, 2004 and May 17, 2004.

**APPROVAL OF MINUTES**

It was moved by Council Member Spooner and seconded by Council Member Pinckney to approve the minutes as presented. This motion was passed by unanimous voice vote of the Committee.

**EXECUTIVE SESSION**

With no objection from the Committee, Mr. David Jennings, Berkeley County Water & Sanitation Authority's (BCWSA) Attorney, stated an item had become known earlier this day, which required an Executive Session.

It was moved by Council Member Spooner and seconded by Council Member Crosby to enter into Executive Session for the discussion of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened or potential claim,

or other matters covered by the attorney-client privilege. This motion was passed by unanimous voice vote of the Committee.

The Committee on Water and Sanitation entered into Executive Session at 8:02 p.m., and returned to Committee Session at 8:10 p.m.

Mr. Jennings reported that the Committee entered into Executive Session for the reasons stated in the motion. It was the recommendation of the BCWSA that Berkeley County purchase the remaining Friedberg-Moncrief capacity in the sewer system, whatever that remaining capacity is.

It was moved by Council Member Mims and seconded by Council Member Spooner to approve and forward to full Council the BCWSA's recommendation for Berkeley County to purchase the remaining Friedberg-Moncrief capacity in the sewer system. The motion was passed by unanimous voice vote of the Committee.

**A. David Jennings, Esquire, Berkeley County Water & Sanitation Authority, Re:**

**1. Contingency transfer.**

Mr. Jennings stated a request for the transfer of contingency funds in the amount of \$130,000 for repair work to the tub grinder located at the Berkeley County Landfill. A 40-pound piece of metal, undetected, entered the grinder. The metal was included in some yard waste, and because of its dark color, Landfill personnel did not pick it out of that waste.

It was moved by Council Member Spooner and seconded by Council Member Charles Davis to approve the transfer of \$130,000 from contingency for repair work to the tub grinder at the Berkeley County Landfill. The motion was passed by unanimous voice vote of the Committee.

Council Member Spooner recommended that the news media publish a photograph of the piece of metal in the newspaper, in order to make the public aware of this costly incident.

**2. Solid Waste Management Plan Amendment.**

Mr. Jennings stated a request for approval of an amendment to the Solid Waste Management Plan. This amendment was received, along with a letter from Mr. Rudy Curtis, Department of Health and Environmental Control (DHEC), dated June 2, 2004. The changes to this plan deal with DHEC's procedure for determining consistency. The amendment is at DHEC's request to comply with a Supreme Court ruling.

It was moved by Council Member Spooner and seconded by Council Member Pinckney to approve an amendment to the Solid Waste Management Plan. The motion was passed by unanimous voice vote of the Committee.

3. Settlement Agreement with SCDHEC.

Mr. Jennings stated that this pertained to the NPDES Permit for the Lower Berkeley Plant. BCWSA was not pleased with all of the contents of the settlement documents, but it resolved a couple of issues in the County's favor. It is necessary for the County to resolve differences with DHEC, in order to move forward with expansion of the Lower Berkeley Plant. This would allow the County to issue permits beyond the current 15,000,000 gallons per day, so long as total flow does not exceed 15,000,000 gallons per day. Dry weather flow is in the 3,500,000 – 4,000,000 gallons per day range, but the County has permitted in the vicinity of 13,000,000 gallons. This settlement does not come without some cost. There is an EMS document, a management plan, that DHEC has asked the County to institute. This is being done statewide and is very similar to EPA's CMOM (Capacity Management, Operations and Maintenance) Program. It will require testing and evaluation on a more frequent basis. Mr. Hehn estimated increased annual operating costs associated with the EMS agreement of approximately \$350,000. It will also, possibly, require that the County improve the increase sewer line rehabilitation around the system. Large portions of this system were built in the 1960's and into the 1970's. It is not anticipated that the additional operational cost will cause any rate increases now, but over time, as the rate of line rehabilitation increases, it could well impact rates in the future.

It was moved by Council Member Spooner and seconded by Council Member Crosby to accept and approve the settlement agreement with the South Carolina Department of Health and Environmental Control. This motion was passed by unanimous voice vote of the Committee.

4. Amendment to Solid Waste Regulations.

Mr. Jennings stated this item did not require any action from the Committee, but was merely for information. This amendment is a further attempt to gain reasonable control and provide reasonable access to the convenience centers by those citizens transporting household garbage in a commercial vehicle. Normally, work vehicles are not allowed at the convenience centers, because these centers are for residential use only.

**B. Review prior to Third Reading of Bill No. 04-35, an ordinance providing for the adoption of fiscal year 2004-2005 (beginning July 1, 2004 and ending June 30, 2005) budgets for the Berkeley County Water and Sanitation Authority and the Berkeley County Water and Sanitation Authority Solid Waste Fund; establishing operational, debt service, and capital improvement budgets for water and sewer; and to provide for the expenditures of revenues coming into the Berkeley County Water and Sanitation Authority and the Berkeley County Water and Sanitation Authority Solid**

Waste Fund during the fiscal year, and to amend the Code of Ordinances, Berkeley County, South Carolina, setting rates, charges and penalties for Water and Sewer and Solid Waste Service by the Berkeley County Water and Sanitation Authority.

It was moved by Council Member Crosby and seconded by Council Member Mims to revise Bill No. 04-35 by removing the family waste fee of \$75 and replacing it with the current \$65.

In discussion, Council Member Spooner asked how this revision would impact the BCWSA's proposed budget.

Mr. Jennings responded that he did not know, specifically, what impact the fee reduction would have. Although, if revenue is cut from the proposed budget, an out-of-balance budget would be created.

Supervisor Rozier concurred by stating that if the fee were changed, the proposed budget would have to be balanced to that degree. Expenditures would have to be revised first, and then the revenue would be changed to fit those expenditures.

Council Member Crosby stated that, in other meetings, he argued the fact that BCWSA made in excess of approximately \$6,000,000 and questioned why fees were being increased at those meetings. Every house that is being built next year would pay the current \$65, and this would compensate, somewhat, for elimination of the \$10 rate increase.

Supervisor Rozier stated that each one of the houses being built would be sending waste to the landfill. The fee is determined by an average weight of waste throughout the year coming into the landfill. Estimations are that approximately one and one-half tons of waste is generated by each household per year.

Mr. Jennings stated that he was not sure when new houses start paying the fee. Generally, with a brand new house, fees and taxes are collected one year in arrears of construction and occupancy. What is budgeted for solid waste user fee in the current budget is \$5,700,000. The overwhelming majority of that \$5,700,000 is residential.

Council Member Spooner asked if there was any possibility of collecting that fee when a sewer tap or building permit was obtained, similar to how it is done with the fire fee.

Supervisor Rozier responded that Council could pass an ordinance to handle it that way, but that ordinance has not been passed for this budget.

Council Member Crosby stated he wanted to vote for the BCWSA budget, but was not in agreement with the increase of the solid waste fee.

Supervisor Rozier recommended that a change be made in the expenditures within the budget, otherwise, a shortfall would be created.

Mr. Jennings stated that Council had a budget that currently and through all the workshops and first two readings projects revenue of \$8,791,200. This budget anticipates expenditures of the same amount, creating a balanced budget.

Council Member Mims recommended the Mack trucks not be purchased, as the trucks were Mack and not even broke in until reaching 250,000 miles.

Council Member Charles Davis stated that the Mack trucks were needed.

Supervisor Rozier stated the trucks operated within the confines of the Landfill, and they would never reach 250,000 miles. Usage of these particular trucks is based on hours driven, not miles driven, and the trucks are worn out.

Council Member Charles Davis concurred.

Chairman Steve Davis called for a vote on the motion pending to adjust the solid waste fee from \$75 to \$65 in the BCWSA's proposed budget for 2004/2005.

Council Members Crosby and Mims voted "Aye", with Council Members Charles Davis and Pinckney voting "Nay". Council Member Spooner abstained from voting. Chairman Steve Davis voted, "Nay". The motion failed to pass.

It was moved by Council Member Charles Davis and seconded by Council Member Mims to approve, prior to Third Reading, **Bill No. 04-35**. The motion passed by majority voice vote of the Committee. Council Member Crosby voted "Nay".

It was moved by Council Member Spooner and seconded by Council Member Crosby to adjourn the Committee on Water and Sanitation Meeting. This motion was passed by unanimous voice vote of the Committee.

Meeting adjourned at 8:48 p.m.

July 26, 2004  
Date Approved

**COMMITTEE ON WATER AND SANITATION**  
(Standing Committee of Berkeley County Council)

Chairman: Mr. Steve C. Davis, District No. 8

Members: Mr. Milton Farley, District No. 1  
Mrs. Judith K. Spooner, District No. 2  
Mr. William E. Crosby, District No. 3  
Mr. Charles E. Davis, District No. 4  
Mr. Dennis L. Fish, District No. 5  
Mrs. Judy C. Mims, District No. 6  
Mr. Caldwell Pinckney, Jr. District No. 7  
Mr. James H. Rozier, Jr., Supervisor, ex officio

A **meeting** of the **COMMITTEE ON WATER AND SANITATION**, Standing Committee of Berkeley County Council, will be held on **Monday June 14, 2004**, in the Assembly Room, Berkeley County Office Building, 223 North Live Oak Drive, Moncks Corner, South Carolina, following the meeting of the Committee on Public Works and Purchasing, the Committee on Land Use, the Committee on Planning and Development, the Committee on Justice and Public Safety, the Committee on Human Services, and the Committee on Community Services at **6:00 p.m.**

**A G E N D A**

**APPROVAL OF MINUTES**

**May 10, 2004**  
**May 17, 2004**

**A. David Jennings, Esq., Berkeley County Water and Sanitation Authority, Re:**

- 1.** Contingency transfer.
- 2.** Solid Waste Management Plan Amendment.
- 3.** Settlement agreement with SCDHEC
- 4.** Amendment to Solid Waste Regulations.

**B. Review prior to Third Reading of Bill No. 04-35, an ordinance** providing for the adoption of fiscal year 2004-2005 (**beginning July 1, 2004 and ending June 30, 2005**) **budgets** for the Berkeley County Water and Sanitation Authority and the Berkeley County Water and Sanitation Authority Solid Waste Fund; establishing operational, debt service, and capital improvement budgets for water and sewer; and to provide for the expenditures of revenues coming into the Berkeley County Water and Sanitation Authority and the Berkeley County Water and Sanitation Authority Solid Waste Fund during the fiscal year, and to amend the Code of Ordinances, Berkeley County, South Carolina, setting rates, charges and penalties for Water and Sewer and Solid Waste Service by the Berkeley County Water and Sanitation Authority.

June 9, 2004  
S/Barbara B. Austin  
Clerk of County Council